

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

NET NAVIGATION SYSTEMS, LLC
Plaintiff,

v.

CISCO SYSTEMS, INC., et. al.
Defendants.

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CASE NO. 4:11-CV-660
Judge Schell

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 22, 2012, the report of the Magistrate Judge was entered regarding proposed findings of fact and recommendations that Defendants' Motion to Dismiss or, In the Alternative, Sever and Stay the Proceedings Against AT&T Inc. (Dkt. 31) be granted in part and denied in part (Dkt. 94).

The court has made a *de novo* review of the objections raised by Defendants (*see* Dkt. 105) and Plaintiff's response (*see* Dkts. 114, 115) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

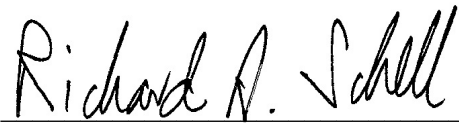
Therefore, it is **ORDERED** that Defendants' Motion to Dismiss or, In the Alternative, Sever and Stay the Proceedings Against AT&T Inc. (Dkt. 31) is **GRANTED IN PART** and **DENIED IN PART**, and the objections of Defendant are **OVERRULED**.

It is further **ORDERED** that Defendant AT&T Inc. is **SEVERED** from the present action.

It is further **ORDERED** that within ten (10) days of the issuance of this order, Plaintiff must pay the filing fee for the severed case against AT&T Inc. to avoid having the severed cause of action dismissed with prejudice.

IT IS SO ORDERED.

SIGNED this the 27th day of March, 2013.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE